

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration is respectfully requested in view of the preceding amendments and the following remarks.

In this response, several previously presented claims have been amended to better define the claimed invention and/or to overcome the Examiner's rejections. New claims 41-43 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original application, e.g., at page 9 the last full paragraph, page 10 the second paragraph, page 11 the first full paragraph, page 15 the last full paragraph, and page 16 the first full paragraph. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 112, first paragraph* rejection is believed overcome in view of the above amendments. In particular, the previous language of "essentially spherical" has been deleted from independent claim 19, and replaced with "the rotor is confined within a spherical envelope defined partially by an outer surface of said rotor." Thus, claim 19 no longer requires that the rotor be essentially spherical. Rather, only a spherical envelope is required. The newly added feature finds support in the application as filed, and is neither disclosed, taught nor suggested by the cited art of record.

The previous limitation "vaneless" has been removed from the independent claim.

Claim 40 has been cancelled. The rejection of claim 40 is therefore moot.

Applicants further note the Examiner's observation that paragraphs 29, 36, 37, and 42 all stress the need from the rotor to rotate around one axis. The Examiner's observation is correct in that the rotor, *in operation*, should rotate about one axis only. The application as filed, however, does not excluded the rotor's capability to rotate about multiple axes in a *non-operative* state. Indeed, the disclosure that the rotor is floating within the housing with no direct or physical connections thereto, coupled with the "nearly" spherical shape of the rotor would enable a person of ordinary skill in the art to understand that the rotor is free to rotate about multiple axes when no fluid is introduced into the housing. However, if the fluid is introduced into the housing, the fluid flow will cause the rotor to rotate about a single, desired axis. This feature is now recited in amended claim 28.

New claims 41-43 find support at least in the above cited portions of the application as filed.

Accordingly, it is respectfully submitted that the claims as they have been amended and newly presented are supported by the original application and allowable over the art. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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